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File No. O. R. R. C. Bom
46

Legal Department

A BRANCH

Subject:— Opinion under the Bombar

P-34
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Land Revenue Code, 1879

File No. O. R. R. C. Bom / 46

Gen. 194 a

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C O N T E N T S

Legal Department File No. D. L.R.C. Bom. /46

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Office of the R.L.A.

The question referred to the R.L.A. for consideration is whether the proposal of the Commissioner, C.D. to grant Exemption to Mr. Patil under section 73-A(2) of the Land Revenue Code, 1879, limiting the transfer to bona fide cultivators is legally feasible.

2. Sub-section (1) of section 73-A of the Land Revenue Code, 1879, provides that notwithstanding anything in the foregoing section, in any tract or village to which the Provincial Government may, by notification published before the introduction therein of an original settlement under section 103, declare the provisions of this section applicable occupancies shall not after the date of such notification be transferable without the previous sanction of the Collector. Sub-section (2) empowers Government to exempt any part of such tract or village or any person or class of persons from the operation of this section. There is no provision in this section for granting any conditional exemption. The proposal of the Commissioner, C.D. amounts to granting conditional exemption and is not therefore legally feasible.

Sd/- R.T. Katarki

O.C.

For Remembrancer of Legal Affairs.

U.R. to R.D. No., 343, dated the 15th January 1946

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Office of the R.L.A.

Chapter VIII ~~of the~~ A of the Bombay Land Revenue Code, 1879, prescribes the procedure for assessment and settlement of land revenue of agricultural land.

Section 117-I in that Chapter provides:

"In making a settlement the Settlement Officer shall proceed as follows:-

- (1) He shall hold an inquiry in the manner prescribed by rules made under this Act.
- (2) He shall divide the lands to be settled into groups.
- (3) He shall ascertain in the prescribed manner the rental value of lands for the purposes of settlement.
- (4) ~~He shall then fix the standard rate for each class of land in each group on consideration of all factors mentioned in sub-section (2) of section 117-G.~~
He shall then fix the standard rate for each class of land in each group on consideration of all factors mentioned in sub-section (2) of section 117-G.
- (5) He shall submit to the Collector a report hereinafter called the settlement report containing his proposals for the settlement."

"Group" as defined in clause (3) of section 117 C means all lands in a taluka or part of a taluka which in the opinion of the Provincial Government are sufficiently homogeneous in respect of the factors enumerated in sub-section (2) of section 117G to admit of the application to them of the same standard rates for the purposes of assessment of land revenue. "Standard rate" as defined in clause (5) of section 117 C means with reference to any particular class of land in a group the normal assessment per acre on land in that class of sixteen annas classification. "Class of land " as defined in clause (6) of that section means any of the following classes of land namely, dry crop, rice or garden land. Under sub-section (1) of section 117G assessment is to be determined by dividing the lands to be settled into groups and fixing the standard rates for each group. Under sub-section (2) groups are to be formed on a consideration of the factors mentioned in clauses (i) to (xiv).

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Reading these provisions together it appears that the lands, the assessment of which is to be settled, should be first divided into groups on consideration of the factors mentioned in section 117G(2) and then the lands in each group are to be divided into classes- (1) dry crop and (2) irrigated (a) garden and (b) rice.

After determining the standard rate for each class of lands in each group, the assessment of each land in each class is required to be settled. There is no provision in Chapter VIII A for dividing lands in each class into different groups.

Secretary, R.D. appears to consider that administratively, separate grouping for each class of land is necessary in some areas like Kanara and Dharwar observing:

"My own view is that as standard rate applies to a particular class of land separate grouping for each class of land is within the frame work of the Act when the circumstances in a particular tract are such that the lands are not sufficiently homogeneous for being put under one group for all classes of land."

The view taken by the Secretary, R.D. does not appear to be in keeping with the provisions of the Code. The administrative convenience, if any, must yield, if it be contrary to the provisions of law. The provisions of Chapter VIII A of the Land Revenue Code do not contemplate further grouping of lands in each class. The standard rate applies to the class of lands in each group but may not be the same for all groups. Further grouping of lands in each class does not appear legally feasible although the lands comprising the group may not be sufficiently homogeneous. It is besides likely to lead to complications

Sd/- P.M. Kooze

O.C.

11/2/46

Remembrancer of Legal Affairs.

U.R. to R.D., No. 1181, dated the 12th February 1946

Mjr/14/6

4 Cs.

Subject:- Question regarding retrospecti
levy of non-agricultural^{ve}
assessment in cases of unautho-
rized non-agriculratal use and
cancellation of building
agreement

MEMORANDUM OF INSTRUCTIONS.

In a case regarding the non-agricultural user of certain land in Bombay Suburban District, it was noticed that while permission was given for the construction of residential buildings and the concessionary rate of non-agricultural assessment was levied on this account, the holder continued to use unauthorisedly the buildings for purposes other than residential viz. for shops and dispensary in contravention of the terms of the building agreement dated 7th November 1919. Though this unauthorised use was detected in 1935; No action was taken in the matter until the Collector received the surveyor's report in 1940. The Collector then cancelled the agreement for breach of conditions and levied non-agricultural assessment at the current rate from 1st August 1936. The plaintiff paid the enhanced assessment under protest and then filed civil suit against Government.

2. The following question arise for consideration of Government:-

- (i) Whether the Collector's action in cancelling the agreement of 1919 is legal, and whether his action in directing levy of non-agricultural assessment with retrospective effect from 1st August 1936 is proper,
- (ii) Whether the Collector's order can be modified when the matter is subjudice.

Regarding (1), the holder continued to use some of the residential buildings for other purpose although the application for permission to put them to such use had been Mjr/14/6

rejected. The holder thus committed a breach of one of the essential terms of the agreement under which the buildings were to be used for residential purposes only. The agreement or the Land Revenue Code does not provide for cancellation of the agreement for breach of any of the terms. The cancellation of the agreement can, however, be justified on the principle of Section 39 of the Indian Contract Act. The use of the residential buildings for shops without the Collector's permission was tantamount to a refusal by the holder to perform the contract in its entirety, and this default gives the Collector's action in cancelling the contract. The Collector's action in cancelling the agreement for specific breach of the conditions, would therefore be legally valid.)

With the termination of the agreement, the holder must hold the land subject to the Rules existing on that date. The Collector is accordingly competent to levy non-agricultural assessment at the rate then current. Non-Agricultural assessment is leviable at a concessional rate, provided the building regulations are complied with. If, however, the built up area exceeds the prescribed maximum limit, the holder is not entitled to receive the concession of reduced assessment even if he had enjoyed it under the terms of the previous agreement.

As a corollary, it follows that the holder can get the concession if he removes the unauthorized structures and thus reduces the built-up area to the permissible limit or agrees to use the buildings for the specific purpose for which permission was given.

As regards levy of revised non-agricultural assessment from a previous date, retrospective levy of assessment is allowed only under Section 66 of the L.R.C. and rule 86(2)(b) of the L.R. Rules. But these provisions do not apply to a case where the land is a non-agricultural plot granted for the

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Purpose of residential buildings and there is a breach of agreement after permission was given by the Collector. The relevant provision applicable to such cases is section 48 and not sec. 65. The revised non-agricultural assessment is leviable under Section 48 (2) Land Revenue Code which does not provide for its imposition with retrospective effect. The revised non-agricultural assessment, if any, on land, in respect of which the original agreement or sanad has been cancelled, is leviable from the date of the order cancelling the agreement and not from any previous date. The executive orders contained in Government Resolution No. 4846/33 dated the 20th July 1936 have no application.

Regarding (ii), there can be no legal objection to the modification of the Collector's order under section 211, admitting a part of the plaintiff's claim.

~~WxRxxkxR~~

U.O.E. to R.D. No. 2309 dated 27-3-1946

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The contention of the khoti that the provisions of Chapter X-A of the Bombay Land Revenue Code, 1879 cannot be applied to the khoti villages in the Ratnagiri District governed by the Khoti Settlement Act, 1880 is not in my opinion valid. Power to grant exemption under section 135A from the provisions of Chapter X-A includes power to withdraw such exemption. Consequently the Government Resolution (Revenue Department) No. 9504/33, dated the 28th March 1944, cancelling the exemption granted to the khoti village in the Ratnagiri District from the provisions of Chapter X-A of the Bombay Land Revenue Code is valid. The provisions of Chapter X-A will apply to those villages and it would be competent for Government to recover the costs under clause (b) of section 135-C in Chapter X-A (See section 39 of the Khoti Settlement Act, 1880). Clause (d) of section 40 of the Khoti Settlement Act, 1880, empowers Government to determine to what extent, if any, any rule or order made under section 214 of the Bombay Land Revenue Code, 1879, shall be applicable to villages to which this Act extends. Rules made under section 214 of the Bombay Land Revenue Code in respect of the Record of Rights are contained in Chapter IV of the Land Revenue Rules. Government may determine to what extent those rules should be applied to the khoti villages in the Ratnagiri District.

Sd/- P.N. Moos
o.c. 23/3/46

Remembrancer of Legal Affairs.

U.R. to R.D. No. 2254, dated the 23rd March 1946,

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4 Cs. /

In pursuance of the R.L.A.'s opinions No 5504 dated 3-10-1936 and No 5557 dated 8-10-1937 Government G.M. R.D. , No. 2604/2465 dated 3-5-1940 directed that the Collectors should levy assessment on municipal street land encroached upon under section 45 of the Land Revenue Code, 1879 and recover the assessment from the person making the encroachment under section 136, Land Revenue Code. The Commissioner, N.D. in his endorsement at page 3 ante considers that the direction contained in the aforesaid G.M. that the assessment fixed on the encroached portions of the municipal street land should be recovered from the encroacher under section 136, Land Revenue Code does not seem to be correct and opines that "under section 136, Land Revenue Code, the person primarily responsible for the payment of assessment is the occupant i.e. the municipality in the cases under reference and it is only when the municipality makes a default in payment that the assessment can be recovered from the person in possession i.e. the encroacher". The R.L.A. is requested to advise whether the view taken by the Commissioner, N.D. is correct.

The R.L.A.'s opinions No. 5504 dated 3.10.1936 and No. 5557 dated 8-10-1937 were based on the assumption that lands transferred for the purpose of a municipal street reverted to Government as soon as they ceased to be used for such purpose and the encroacher on such land would be deemed as having occupied it and that the right to the sub-soil would always vest in Government. In view of the High Court decision in 44 B.L.R. 354 those assumptions are no longer tenable. This question was considered by the R.L.A. in his opinions No. 1470 dated 25-2-1944 and No 358-Conf., dated 22-11-1944. As pointed out in these opinions Government can no longer claim any right to the subsoil of such land, nor can it claim any reversionary right. Consequently Government will have to recognise the municipality as occupant of such land until possession of the encroacher has ripened into ownership either

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by adverse possession or by grant. But that is for the encroacher to prove and until he has so done Government will have to hold the municipality as primarily liable for the payment of assessment under section 136, Land Revenue Code. The view taken by the Commissioner, N.D. is correct.

Sd/- P.H. Moon

O.C.

1/4/46

Remembrancer of Legal Affairs.

U.R. to R.D., No. 2659, dated the 8th April 1946.

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A.C.

Office of the R.L.A.

It appears that ~~an~~ ^a person have failed to pay up the loans advanced to them by the Director of Industries in accordance with the orders contained in clause (2) of para. of G.R., H.D., No. 5310/4-11. dated 16th February 1942.

The amounts due in case of default could be recovered from them either through the court or as arrears of land revenue under the Bombay Land Revenue Code, as provided in clause (6) of the orders granting these loans and setting forth the conditions on which they were granted, and clause (7) of the mortgage deeds executed by them in favour of Government. There is therefore no objection to recovering the dues from them as arrears of land revenue under the Bombay Land Revenue Code.

Sd/- P.N.Moos

O.C.

9/4/46

Remembrancer of Legal Affairs.

U.R. to H.D., No. 2702, dated the 9th April 1946

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R.D. file 802/45 contains the following Government Order:

"Sanction is accorded to the permission being granted to Mr. Kanaiyalal Ramprasad Thakore, proprietor of the Deccan China Clay and Mining Works, Khanapur, District Belgaum to excavate Kaolin from the lands comprised in S.Nos. 74-A and B and 87 of Karalgi, taluka Khanapur measuring about 32 acres, 16 gunthas on payment royalty at the rate of Re 1 per ton of crude Kaolin (at the pit's mouth) for a period of five years in the first instance and subject to the terms and conditions contained in the licence proposed to be granted to the New India Mining Corporation Ltd. The form of licence should be on the lines of the draft licence appended to Government Resolution No 491-G/39, dated the 22nd June 1945."

The Commissioner, Southern Division, in his letter at page 37 ante observes:

"Mr. Thakore has already started extracting Kaolin therein in good faith on the authority of the permit given by the Collector pending execution of the licence. The withdrawal of the permission granted to Mr. Thakore at this stage would perhaps involve Government in litigation".

The question raised for the consideration of the R.L.A. is whether the orders issued in R.D. File No 802/45, in favour of Mr. K.R. Thakore of the Deccan China Clay Company can be cancelled without a claim on Government for compensation.

The licence which Government intended for execution in the nature of an agreement between the Governor of Bombay of the one part and the Deccan China Clay Company (See the form of licence at p 205 of R.D.-File No 491/39) and in the absence of any such agreement no concluded contract could have been spelt and Mr. Thakore could not have been ordinarily entitled to any compensation for the withdrawal of Government's sanction notwithstanding the expenditure incurred by him in commencing the extraction of Kaolin. But pending the execution of the licence the Collector permitted Mr. Thakore to proceed with extracting Kaolin. In view of this peculiar circumstance Mr. Thakore, it appears, will have in equity a good claim for compensation if Government now cancels the orders issued in R.D. file No 802/45.

Sd/- F.N. Hoos

O.C.

20/7/46

Remembrancer of Legal Affairs.

U R. to R.D. No. 6382, dated the 1st August 1946

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"Some restrictions upon the acquisition of lands in British India as well as upon their alienations are imposed upon the chiefs of India. Where ruling chiefs seek to acquire property by purchase in British Territory, the danger is apprehended that the chief by such acquisition, will place himself under British jurisdiction, and so subject himself to complications which may prejudice his rights and privileges as a foreign sovereign... chiefs who desire to acquire property are therefore required to seek the advice of Government before they purchase it; and they are given to understand that, in their capacity as possessors of such property, they must expect to be treated by public officers just as any other British proprietors or subjects" (See Warner's Native States of India pp 296, 297)

In pursuance of this policy the Bombay Government by Government Resolution (Political and Services Department) No. 411, dated the 27th February 1941 has laid down the principles and conditions to be observed in regard to the acquisition of residential and non-residential properties in the Province of Bombay by Ruling Princes and Chiefs, their near relatives or notables of their States. The first requirement is that the Ruling Princes and Chiefs, their near relatives or the notables of the States must obtain the previous consent of the Bombay Government for the acquisition of residential property in Bombay, Poona and the hill stations of Mahabaleshwar and Matheran. It appears that the Rani of Jawhar has purchased property in Bombay without the previous consent of Government.

Under the aforesaid Government Resolution, the Government of Bombay has got the power to request the Ruling Prince or Chief to dispose of the property within a reasonable time. If in the present case, the Rani refuses so to do,

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she will take the risk of being treated as an ordinary British proprietor, subject to all rights and liabilities incidental thereto. Pending compliance by the Rani with the request of the Bombay Government to dispose of the property within a reasonable time, the transfer or assignment of the property cannot be refused nor delayed by the Collector since proper notice thereof has been given to him under section 30 of the Bombay City Land Revenue Act, 1876.

Sd/- P.N. Moon
27/7/46
o.c.
Remembrancer of Legal Affairs

U.O.R. to, R.D. No. 244 & Conf1, dated the 29th July 1946

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Office of the R.L.A.

The questions raised for the consideration of the
R.L.A. are:-

- (1) Whether in all case of sale of Government lands in future there is any objection to inserting the two conditions viz. (a) that the land should be used for the specific purposes for which it is sold and (b) that it should not be transferred by the grantee to any other party without Government sanction;
- (2) Whether there is any legal objection to inserting a specific clause entailing eviction for the breach of conditions in all cases of such sales of land;
- (3) Whether the same conditions can be inserted while permitting conversion of user from agricultural to non-agricultural in case of occupied agricultural lands and similarly enforced
- (4) whether the same object can be carried out even as regards alienated lands by amendment of the Bombay Land Revenue Code and if so, what sections require amendment and in what manner.

Question No. 1:- Section 62 of the Bombay Land Revenue Code, 1879 provides that it shall be lawful for the Collector subject to such rules as may from time to time be made by the Provincial Government in this behalf to require the payment of a price for unalienated land or to sell the same by auction and to annex such conditions to the grant as he may deem fit before permission to occupy is given under section 60. Rule 37 of the Land Revenue Rules, 1921 provides for the grant of land for agricultural purposes while rule 42 for the grant of land for non-agricultural purposes. Under sub-rules (3) and (4) of rule 37 and sub-rule (3) of rule 43 the conditions of inalienability and impartibility can be annexed to the grant of land for an agricultural or non-agricultural purpose. These rules do not provide for inserting a condition that the land should be used for the purpose for which it is granted. Namely agricultural or non-agricultural as the case may be. But there appears no objection to inserting such conditions if the Collector deems it necessary (cf. sub-rule (1)(a) of rule 36). Consequently the reply to the first question is

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that there will be no legal objection to inserting the conditions (a) and (b) in all cases of sales of Government lands in future.

Question 2.- The attention of R.D. is invited to the R.J. 1's opinions Nos. 316, dated the 25th January 1931, 218, dated the 13th January 1937 and 6355, dated the 30th November 1937. As pointed out in those opinions unless a condition that on the breach thereof the holder would cease to be entitled to the use or occupation of the land or would be summarily evicted is embodied in the sanad or agreement issued to the occupant or the permission granted for the use of the land to any other purpose, it would not be lawful to evict the holder under section 79A. The insertion of a specific clause entailing eviction in all cases of ⁰ sales of land would be necessary if Government desires to reserve power of eviction for the breach of conditions (a) and (b).

Question 3.- Section 67 of the Land Revenue Code provides that nothing in the last two sections shall prevent the granting of permission aforesaid on such terms and conditions as may be prescribed by the Collector subject to any rules made in this behalf by the Provincial Government. It is true that the words "such terms and conditions" are wide; but it would be reasonable to construe them as limited to terms and conditions relating to the non-agricultural user. ~~Sanad~~ of Land Condition (a) restricts the non-agricultural user of land for the purpose for which it is permitted. There appears therefore no objection to inserting such condition; see section 48(4). But condition (b) which restricts the disposal of land relates to its tenure; see section 68. Consequently it does not appear legally feasible for the Collector to insert this condition while granting permission for the conversion of user of land from agricultural to non-agricultural.

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Question 4.- Sub-section (3) of section 48 of the Land Revenue Code lays down that where land held free (f) assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment. Sub-section (4) enacts that the Collector or a survey officer may, subject to any rules made in this behalf under section 214 prohibit the use for certain purposes of any unalienated land liable to the payment of land revenue, and may summarily evict any holder who uses or attempts to use the same for any such prohibited purpose. Section 65 requires that the occupant of land who wishes to use his holding or part thereof for any other purpose should take the permission of the Collector. "Occupant" as defined in section 3(15) means a holder in actual possession of unalienated land, other than a tenant. It is therefore clear from these provisions that section 65 does not apply to an alienated land and it would not be competent for the Collector to prevent the conversion of user of such land from agricultural to non-agricultural unless the terms of the original grant itself so provide (see G.O.R.D. 8562, dated the 20th August 1918 quoted by Gupta at p 535 of his Land Revenue Code, 2nd edition). The question of inserting conditions (a) and (b) may not therefore of inserting conditions (a) and (b) may not therefore ordinarily arise. It does not appear legally feasible to amend the Bombay Land Revenue Code for the purpose, for section 300 of the Government of India Act, 1935 appears to afford the holders of alienated lands protection from interference with the terms and conditions of grant.

Sd/- R.T. Katarki.

O.C.

for Remembrancer of Legal Affairs.

U.O.R. to R.D. No. 5385, dated the 1st August 1946

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Office of the R.L.A.

Under the Bombay Land Revenue Code and the Rules thereunder, restropective levy of non-agricultural assessment is permissible to a very limited extent. Section 48 of the Code which makes provision for the assessment of land revenue with reference to the use of the land for specified purposes and for altered assessment where land assessed for use for one purpose is used for a different purpose, does not in terms provide for the levy of assessment with retrospective effect. But the section sanctions that the altered assessment must be levied subject to the Rules proscribed in this behalf by the Provincial Government. The only other relevant section are section 65 and 66. The former inter alia enables the occupant of agricultural land to use his holding for a purpose unconnected with agriculture with the previous permission of the Collector. If the said land is used for any such purpose without the Collector's permission, section 66 provides inter alia for altered assessment to be levied for the period during which the said land has been so used. There is a similar provision in Rule 86(2)(b) of the Land Revenue Rules which authorises the levy of non-agricultural assessment from the first day of the revenue year in which the use commenced. These, then, are the only provisions which allow retrospective levy and it is obvious that they cannot be applied to the facts of the present case. The land was unassessed Gaothan land used always as a building site. The question of the occupant having altered its use without permission does not arise in its case. The liability for the payment of non-agricultural assessment arose for the first time in 1929-30 when the Municipality sold it to a private party with the Commissioner's sanction, and yet no steps were taken to assess the land up to 1944. It would

be inequitable to penalise the occupant now for the oversight of the revenue officers, for, he would be entitled to contend that he purchased the land under the impression that it was Gauthan land not liable to assessment and that had he been aware of the liability to payment of such assessment, the knowledge would have influenced his judgment in purchasing the land at a high price. It seems therefore unfair as well as illegal to levy assessment retrospectively from 1929-30. Such levy has been held illegal in 39 Bom L.R. 266.

Sd/- K. L. MURTHI

O.C.

For Remembrance of Legal Affairs.

U.R. to R.D. No. 6237, dated 13th Sept. 1946.

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Submitted.

The Govt. of Bombay has elected under the Indian Electricity Act, 1910, to purchase the undertaking of the Hubli Electricity Ltd., Pending settlement of price and completion of purchase, Govt. thought it expedient to pass an order under rule 81(3) of the Defence of India Rules to authorise Mr. Raghavan Dy Engineer to exercise such effective control over the undertaking as to keep it in efficient working order consistent with the provisions of the Indian Electricity Act. The position now obtaining is that though the complete control of the undertaking vests in Govt. ownership of it is still with the Co. Questions had arisen whether Mr. Raghavan who is in charge of the undertaking should pay up municipal taxes and non-agricultural assessment due since the undertaking came under his control. These questions were referred to R.L.A. and in his opinion Nos. 1140, dated the 7th Feb 1945 (p.19), 4607, dated 20-6-45 (p- 31) and No 5255, dated the 17th July 1945 (p. 44) R.L.A. advised that there was no objection to pay up these dues on behalf of the Co. without prejudice to Govt's rights. Thus in G.L.P.W.D.. No. 7660/36-El.(1) dated the 1st Aug. 1945 (which was seen by the R.L.A. vide endt. No 5255, dated 17-7-45 at p 44) orders were issued to the Controller to pay up the non-agricultural assessment for the year 1944-45 with a clear statement to the effect that the payment was being made by him as Dy. Eng in charge of the undertaking and without any prejudice to Govt's right in the matter (vide pp 45-46 ante). In his letter at p 47, ante, the Electrical Engineer has now asked Govt. to confirm the presumption that the assessment for the year 1945-46, can be paid

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up as per orders issued in Govt. Letter No. 5660/36
-El. (1) dated 1-8-45. P.W.D. desires to confirm the
presumption, but the letter is being shown to P.L.A.
before issue

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Office of the R.L.A.

Seen and returned

Sd/- P.N. Moos

D.O. 18/11/46

Remembrancer of Legal Affairs.

U.O.R. to P.W.D., No. 8203, dated the 19th November 1946

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L.D.R.I.No. 5743 dated 27/28.6.46

Submitted with reference to the R.D. note at p .2 ante.

2. It appears that as the revised standard rates of assessment for the Ahmedabad City and its suburbs are likely to be introduced shortly, the Collector of Ahmedabad is receiving a number of applications for the grant of building permission from plot-owners to avoid the possible liability to pay higher rates. Thinking that if permission is granted in such cases the N.A. assessment will have to be granted for 30 years under rule 87(a) of the Bombay ^{Rules thus affecting Rates adversely the public revenues} Land Revenue, the Collector has asked for Govt. sanction to his fixing the guarantee period in such cases to one year, under rule 87(a) with necessary extensions till the proposed revised rates are introduced. In this connection, the Commr. N.D. has raised a doubt re. the validity of rule 87 on the ground that since the repeal of section 102 of the Bombay Land Revenue Code, 1879, there is no corresponding section in the Bombay Land Revenue Code for non-agricultural lands similar to section 117-B under which the power to fix the guarantee period in respect of agricultural lands rests with Govt. The Commr. has accordingly suggested ^{that} ~~the necessary provision in the Land Revenue Code.~~ The R.D. proposes to inform the Commr. that rule 87 of the Bombay Land Revenue Rules has been framed under section 214 of the Bombay Land Revenue Code and that the Collector's proposal to fix the period of guarantee for one year is covered by the orders issued in that Department letter No 144/24/3242-B, dated 2.2.1945 under which it has been directed that Collectors have a discretion under rule 87(a) of the Land Revenue Rules to fix ~~na~~ ^a assessment for a period which may be more or less than the normal period of thirty years without the approval of Govt. Before the Commr. is informed by R.D. on the above lines, these papers are shown to R.L.A. presumably for remarks if any.

Mjr/15/6

4 Cs.

Office of the R.L.A.

Seen and returned

o.c. Bd/- P.N.Moos 21/9/46

Remembrancer of Legal Affairs.

U.O.R. to R.D.No. 5809, dated the 22nd August 1946.

Mjr/156/6

4 Cs.